



# Out of sight..

POPIA Policy



## Introduction

The Protection of Personal Information Act (POPIA) emanates from Section 14 of the Constitution of the Republic of South Africa, 1996, which section provides that everyone has the right to privacy, and it includes a right to protection against the unlawful collection, retention, dissemination, and use of personal information - in other words information that can be associated with you and can be used to identify you.

POPIA was enacted in November 2013 to enhance the Constitutional right to privacy that we all enjoy and to ensure the safeguarding of personal information processed by public and private bodies. It sets out eight conditions which are the requirements for the processing of personal information. Key sections of POPIA came into force on 1 July 2020 and affected responsible parties (such as Boogertman + Partners) that process personal information of natural and juristic persons, subject to justifiable limitations that are aimed at protecting other rights and important interests.

The Boogertman + Partners Group (including affiliates or subsidiaries) is entrusted with the personal information of many stakeholders such as, potential clients, consultants, staff and service providers and we are therefore obligated to process this information in line with the law. The company respects your privacy and take the protection and the confidentiality of any personal information that you provide to us very seriously.

The purpose of this policy is to inform our clients, consultants, staff, and service providers about the type of personal information our company collects and the ways in which it is collected, used, shared, protected and stored. By accessing Boogertman + Partners' website and subsequently providing information, or when you provide us with your personal information directly, you indicate your acceptance of this policy.

Boogertman + Partners reserves the right to change this policy from time to time.

### 1. What is personal information?

The POPI Act defines personal information as "information relating to an identifiable, living, natural person (i.e., human beings) and where it is applicable, an identifiable, existing juristic person (e.g., companies)".

Examples of personal information include, but are not limited to:

- **identifying information** – such as your name, date of birth, or identification number of any kind including biometric information.
- **contact information** – such as your phone number or email address.
- **address information** – such as your physical or postal address.
- **demographic information** – such as your race, gender, or marital status
- **financial information** – such a banking details and tax numbers

### 2. Scope of our Privacy Policy

- To disclose how and when we obtain information for a specific purpose.
- To ensure that the information is relevant and up to date.
- To have reasonable security measures in place to protect the information.
- To only keep the necessary information and delete information no longer required.
- To allow you to obtain or view your information on request and update it.



### 3. How we obtain personal information

We obtain and process your personal information through information provided to us contractually and by you. We will obtain your consent to collect your personal information in accordance with applicable law when you provide us with it.

The POPI Act provides that personal information must be collected:

- Directly from you
- From a public record
- From another source, where the collection of the information will not prejudice your legitimate interests.
- From another source where the collection of the information is necessary:
  - To comply with an obligation imposed by law or
  - To maintain our legitimate interests or the legitimate interests of a third party to whom the information is supplied.

Similar principles apply to the use by us or the disclosure to a third party of personal information which we have obtained.

### 4. How we use cookies

A cookie is a small file that is placed on your computer's hard drive. Once the file is added, the cookie in question helps to analyse web traffic or tracks when you visit a particular site.

Cookies allow web applications to respond to you as an individual. The web application can, as a result of the cookies, tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

We use traffic cookies to identify which pages are being accessed. This helps us analyse data about the web page traffic and improve our website to tailor it to our client's needs. The information is only used for statistical purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website and browsing experience by enabling us to monitor which pages you find useful and which you do not. A cookie does not give us access to your computer or any information about you, other than the data you choose to share with us.

Most web browsers automatically accept cookies, but you can usually modify your browser settings to decline cookies if you prefer.

Please be advised however, that denying access to cookies may prevent you from taking full advantage of the website.

Some of our business partners use their own cookies or widgets on our website. We have no access to or control over them. Information collected by any of those cookies or widgets is governed by the privacy policy of the company that created it, and not by us.

Our website may contain electronic image requests (called a **single-pixel gif** or **web beacon** request) that allow us to count page views and to access cookies. Any electronic image viewed as part of a web page (including an ad banner) can act as a web beacon. Our web beacons do not collect, gather, monitor, or share any of your personal information. We merely use them to compile anonymous information about our website.

### 5. How we use your information

We need to collect and use personal and other information to enable us to:



- Provide employment.
- Provide services as contracted.
- Provide access to our website.
- Comply with legal requirements and/or regulations and/or industry codes.
- Provide and distribute monthly statements.
- Proceed with debt collection.
- Pursue good governance.
- Communicate with you and inform you of new services and offerings.
- Ensure that our business offering meets your requirements.
- Ensure current and future business functions are met i.e., internal audits, accounting, business planning, and joint ventures, disposals of business, or other proposed and actual transactions.
- Make payments.

## 6. Disclosure of information

We may disclose your personal information to third parties on the following basis:

- Where we have your consent; or
- Where we are required to do so by law or law enforcement; or
- To service providers who are involved in the delivery of services to you or the Scheme, where required by them to perform a service.
- To fellow members of company, where applicable or required for the smooth functioning of the company.
- Where required to protect your legitimate interests.
- When necessary for pursuing our legitimate interests or the legitimate interests of a third party to whom the information is supplied.
- To credit bureaus to report account information, as permitted by law.

Whenever we appoint third parties to provide support services to us, we will, where reasonably practical, bind them to our Privacy Policy, when they require us to provide them with your personal information to perform such services.

We, as Boogertman + Partners, have required the following third parties:

- Contractors on our approved contractors list
- Our Financial Services Department
- Contractors used by Boogertman + Partners for Personal Indemnity insurance matters.
- Our Attorneys
- Our Auditors

to sign a declaration confirming that they will apply the same principles as set out in our Privacy Policy and the same required due care and diligence in protecting your personal information. This declaration which they sign, ensures that they acknowledge their obligation to similarly protect the privacy and regulate their use of your personal information.

We advise our clients, where reasonably possible, to ensure that similar third-party declarations are signed where service providers are appointed, who are not part of the group of service providers referred to above.

Our website may contain links to other websites of interest or value. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content, or the security or privacy practises employed by other sites. We recommend that you always read the privacy and security statements on such sites.



We may need to disclose personal information to our employees that require the personal information to do their jobs. These include our responsible management, human resources, accounting, audit, compliance, information technology, or other personnel.

## 7. Information Security

Boogertman + Partners will apply the necessary due care and diligence to secure the content of the company's Website and the information provided by and collected from users, and to preserve the privacy of your information.

We will apply the following measures in client, consultant and employee information storage on the company database:

- Personal information is collected and saved for the specific and defined purpose of successfully operating an Architectural and Interior Design business practice.
- Personal data is securely stored with access authorized only to those employees who require such to fulfil their designated responsibilities.
- Firewalls are used to safeguard the internal computer network from the Internet.
- Our hosting company will host our website in a secure server environment that uses a firewall and other advanced security measures to prevent interference or access from outside intruders.
- Data encryption is applied when required for viewing by authorized individuals only.
- Client information is used for encouraging and retaining business relations and not for direct marketing purposes.
- The business address where information is kept is protected by physical and digital access control measures.
- We implement disaster recover procedures where appropriate.

In the event of your information being shared with third parties as provided for in paragraph 6 hereof, please bear in mind that Boogertman + Partners will not have any control over your personal information once its shared and will not be able to take responsibility for the security of that information thereafter. Please also bear in mind that no data transmitted over the internet, or information stored on a server which is accessible through the internet, can be guaranteed or fully secure. However, appropriate, reasonable, technical, and organizational measures are followed to prevent both unlawful access and the loss or damage of the personal information at all times.

We will not sell or lease your information to any third parties unless we have your permission to do so. We will not distribute your personal information to any third parties unless we have your permission to do so or are required to do so to:

- Perform our contractual obligations.
- Protect your legitimate interests, or
- Comply with one or more laws.

## 8. Transfer to another country

We may transmit or transfer personal information outside of the country in which it was collected to a foreign country and process it in that country. Personal information may be stored on servers located outside the country in which it was collected in a foreign country whose laws protecting personal information may not be as stringent as the laws in the country in which it was collected. You consent to us processing your personal information in a foreign country whose laws regarding processing of personal information may be less stringent.





## 9. Correction of your personal information

You may request us to:

- Correct or delete personal information in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- Destroy or delete personal information about you that we are no longer authorised to retain in terms of Section 14. Section 14 provides that we may retain your personal information where it is required by law, or for the performance of our functions or activities, or to comply with our contractual requirements.

We will try to keep the personal information we collect as accurate, complete and up to date as is necessary for the purposes defined in this policy. Where applicable, your personal information can be examined and updated. Please email us at [anton@boogertmanpta.co.za](mailto:anton@boogertmanpta.co.za) and we will provide you with your personal information which we have. If you believe that any of your information in our possession is incorrect, incomplete or should be deleted, and you are not able to make the required changes through our website, please email the completed:

- objection to the processing of personal information form, attached as **Form 1**, or
- deletion of personal information form, attached as **Form 2** to us at [anton@boogertmanpta.co.za](mailto:anton@boogertmanpta.co.za) and we will correct, update, or delete the information, where required.

## 10. Retention

Existing and resigned employees' data is retained and used by the company for processing payroll and employment records, or for reference back to resigned employee's data.

Suppliers' and Customers' information is retained and used by the company to process invoices and payment / receipts.

We will only retain your personal information for as long as it is necessary to fulfil the purposes explicitly set out in this policy, unless:

- retention of the record is required or authorised by law; or
- you have consented to the retention of the record.

During the period of retention, we will continue to abide by our non-disclosure obligations and will not share or sell your personal information.

We may retain your personal information in physical or electronic records at our discretion.

Your personal information will be destroyed once it is no longer necessary for achieving the purpose for which it was collected, if it is not required to be retained in terms of our contractual obligations or by law.

## 11. Your Rights under this Privacy Policy

You have the right to have your personal information processed lawfully. Your rights include the right:

- to be notified that your Personal Information is being collected or that your Personal information has been accessed or acquired by an unauthorised person e.g., where a hacker may have compromised our computer system;
- to find out whether we hold your Personal Information and to request access to your personal information;
- to request us, where necessary, to correct, destroy or delete your personal information;



- to object, on reasonable grounds, to the processing of your personal information;
- to object to the processing of your personal information for purposes of direct marketing, including by way of unsolicited communications;
- to submit a complaint to the Regulator if you believe that there has been interference with the protection of your personal information; and
- to institute civil proceedings against us if you believe that we have interfered with the protection of your personal information.

## 12. Enquiries

If you have any questions or concerns arising from this privacy policy or the way in which we handle personal information, please contact our Information officer Mr Anton Koekemoer at: [anton@boogertmanpta.co.za](mailto:anton@boogertmanpta.co.za)

Whereas we would appreciate the opportunity to first address any complaints regarding our processing of your personal information, you have the right to complain to the information Regulator, whose contact details are:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

PO Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

